

# HUMAN SERVICES DEPARTMENT[441]

## Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 217.6 and 252B.9A(7), the Department of Human Services proposes to amend Chapter 9, “Public Records and Fair Information Practices,” and Chapter 97, “Collection Services Center,” Iowa Administrative Code.

These amendments update rules to conform to Iowa statutory changes and federal regulations regarding the confidentiality of support payment records maintained by the Child Support Recovery Unit (CSRU) and the Collection Services Center (CSC). The statutory changes were adopted in 2012 to conform to federal safeguarding regulations effective December 30, 2010.

Any interested person may make written comments on the proposed amendments on or before October 22, 2013. Comments should be directed to Harry Rossander, Bureau of Policy Coordination, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by e-mail to [policyanalysis@dhs.state.ia.us](mailto:policyanalysis@dhs.state.ia.us).

These amendments do not provide for waivers in specified situations because federal and state law requires the safeguarding of confidential child support information. However, requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code sections 217.6 and 252B.9A(7).

The following amendments are proposed.

ITEM 1. Amend rule **441—9.11(22)**, chart of department records, entries for “Collection service center payment records” and “Program records – Child support recovery,” as follows:

Abbreviations are used in the chart as follows:

Code	Meaning
O	The records are open for public inspection.
C	The records are confidential and are not open to public inspection.
O/C	The record is partly open and partly confidential.
PI	Personally identifiable information
NA	Not applicable

DESCRIPTION OF RECORD	TYPE OF RECORD	LEGAL AUTHORITY FOR CONFIDENTIALITY	PERSONALLY IDENTIFIABLE INFORMATION	LEGAL AUTHORITY FOR PI INFORMATION
Collection service center payment records	Θ <u>C</u>	Iowa Code 252B.9(2); 42 U.S.C. §654a(d); 45 CFR §307.13	Yes	Iowa Code 252B.9, 252B.13A, 252B.16
Program records • Child support recovery	Θ <del>€</del> <u>C</u>	Iowa Code 252B.9 and 252G.5; 42 U.S.C. §654(26), 42 U.S.C. §654a(d); 45 CFR §303.21 and 307.13	Yes	Iowa Code 252A, 252B, 252C, 252D, 252E, 252F, 252G, 252H, 252I, 252J, 252K, and 144.13, 144.26, 232.147, 234.39, 595.4, 598.22B, and 600.16A

ITEM 2. Amend subrule 97.3(3) as follows:

**97.3(3)** *Certified payment records.* The unit shall provide certified copies of the official support payment records as defined in paragraph 97.3(1) “a” ~~to the public, upon request, as a public record in~~ accordance with Iowa Code section 252B.9.